HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.9490 of 1999

Dated 4th day of April, 2007

Between:

Kandalla Venkata Narasimhacharyulu ..
Petitioner

And

The Assistant Commissioner,
Hindu Religious Endowments Board, Nalgonda
and four others ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in threatening to dispossess the petitioner from his land of a total extent of Ac.38.55 guntas in various survey numbers situated in Chandur village, as arbitrary and illegal.

The brief facts of the case are that the petitioner came to be in possession of a total extent of Ac.38.55 guntas of land in various survey numbers situated in Chandur village, Nalgonda District, through his ancestors and he has been in peaceful possession and enjoyment of it and paying land tax to the Government regularly since a long time. He was also given occupancy certificate by the 4th respondent-Revenue Divisional Officer. Now, his grievance is that the 2nd and 3rd respondents, without issuing any notice to him, are trying to give away the land in question to some 3rd parties under the guise of Janma Bhoomi.

Heard the learned counsel for both the parties.

Admittedly, the 4th respondent, on 31.3.1992, while granting occupancy certificate in favour of Sri Seetha Ramachandra Swamy Temple, showed the name of the petitioner as “Poojari” in brackets. Aggrieved by the said order, when the 1st respondent preferred an appeal seeking deletion of the name of the petitioner as “Poojari”, the 3rd respondent-Joint Collector, by his order, dated 2.3.1994, deleted the petitioner’s name. When the petitioner questioned the same in C.R.P.No.1553 of 1994, this Court was pleased to allow the revision and the matter was remanded back to the 3rd respondent for fresh disposal, and thus the appeal is pending. Now, the apprehension of

the petitioner during the pendency of the appeal is that the authorities are trying to dispossess him from the land in question by threatening.

Having regard to the fact that the appeal is pending, this Court deems it appropriate to direct the appellate authority i.e. the 3rd respondent-Joint Collector to decide the appeal if not already decided, within a period of six weeks from the date of receipt of a copy of this order. As this Court, while ordering Rule Nisi directed the respondents not to alienate the land in question in favour of 3rd parties, this interim direction shall hold good during the pendency of the appeal.

With the above direction, the writ petition is disposed of. No costs.

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04.04.2007

bcj